

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #03019

PROPOSAL: Vacate a portion of the Whitewater Lane right-of-way to account for errors in street construction.

LOCATION: Approximately Whitewater Lane and North 15th Street.

LAND AREA: 709 square feet, more or less.

CONCLUSION: The vacation of this portion of the street right-of-way is a requirement of a proposed final plat for this area.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

A portion of Whitewater Lane abutting Lots 26-28, Stone Bridge Creek 2nd Addition, located in the northwest 1/4 of Section 36 T11N R6E, Lancaster County, Nebraska, and more particularly described on the attached site plan.

SURROUNDING LAND USE AND ZONING:

North:	Single-family residential	R-3 Residential
South:	Single-family residential	R-3 Residential
East:	Single-family residential	R-3 Residential
West:	Single-family residential	R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows the area around this vacation as Urban Residential. (F 25)

ANALYSIS:

1. This is a request to vacate a portion of the Whitewater Lane right-of-way, near North 15th Street.
2. The lots adjacent to this right-of-way are the subject of a proposed final plat. As part of the final plat review, it was discovered the original plat did not conform to the location of paving and utilities. This right-of-way vacation is required before the proposed final plat can be approved.

3. The proposed final plat shows the vacated area as part of the adjacent lots, and also indicates the dedication of a similar area on the other side of the arc. This is in effect a land swap to correct the surveying error.
4. Applicants intend to purchase this property if vacated, and incorporate it into the front yards of their lots.
5. The vacation of this right-of-way will not create lots without frontage or access to a public street, nor will it create a block length that exceeds 1000'.
6. Aquila, LES, and Public Works all have existing facilities within the area of this vacation, and have requested a permanent easement over the entire vacated area for maintenance of and future additions to these facilities.
7. Public Works has an existing water main in this area. The water main appears to have been installed appropriately within the right-of-way, while the paving is offset in the right-of-way. It appears as though the vacation of this portion of right-of-way in conjunction with approval of the submitted plat will correct the error. The Public Works Department recommends approval of this request.
8. Any relocation of existing facilities will be at property owner's expense.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL
AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code must be met.
- 1.2 A permanent utility easement over the entire vacated area for maintenance of existing facilities and for future construction of new facilities must be provided.
- 1.3 Property owners must agree any relocation of existing facilities will be at property owner's expense.

Prepared by:

Greg Czaplewski
Planner

Date: December 29, 2003

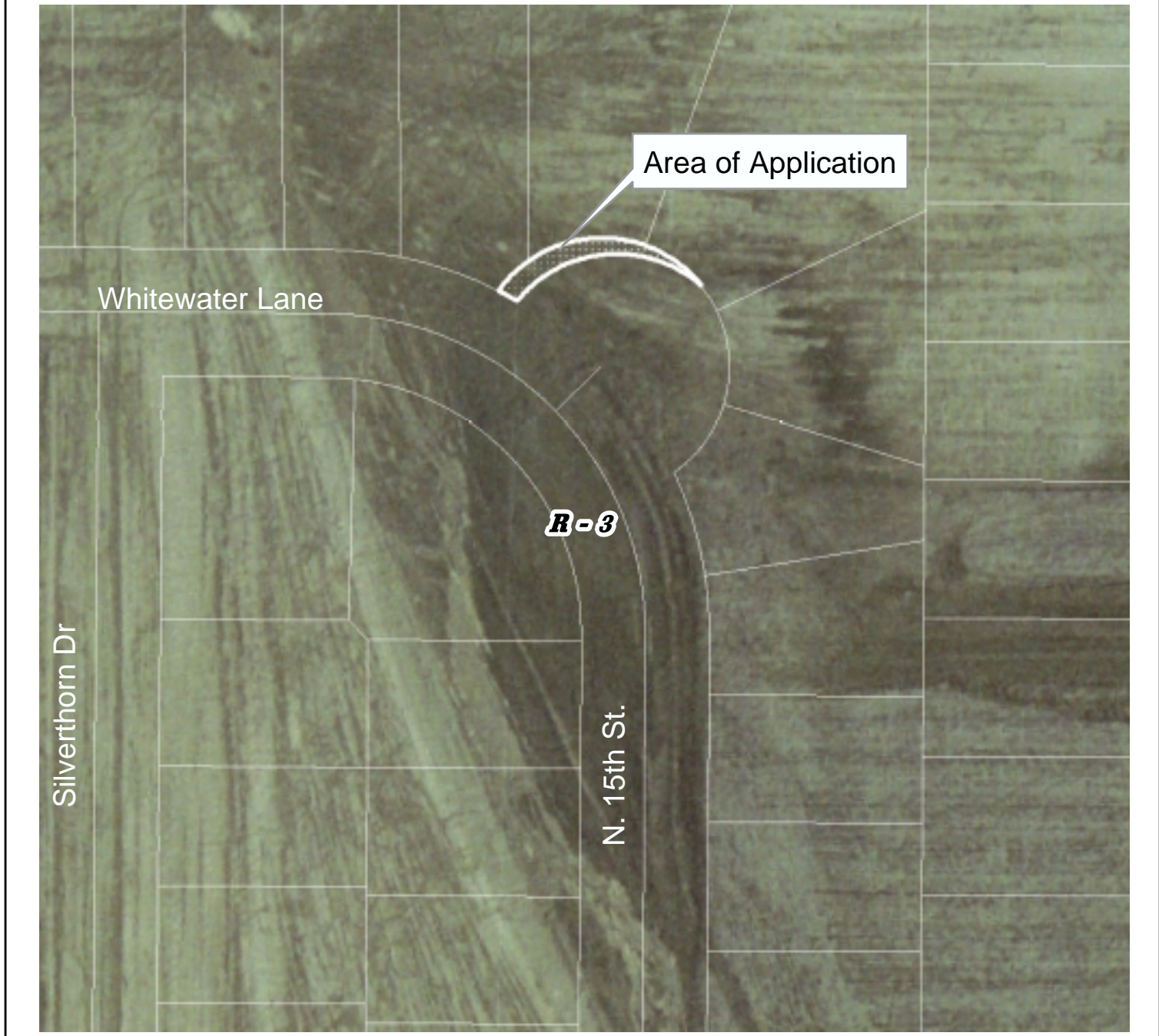
Applicants: Stone Bridge creek, L.L.C.
3801 Union Drive, Suite 102
Lincoln, NE 68516

Coby and Andrea Boring
7457 Whitewater Lane
Lincoln, NE 68521

Craig and Lorinda Chipperfield
4305 N. 1st Street, #338
Lincoln, NE 68521

Owners: Same as Applicants

Contact: Engineering Design Associates
Richard Onnen
2200 Fletcher Avenue, #102
Lincoln, NE 68521
438.4014



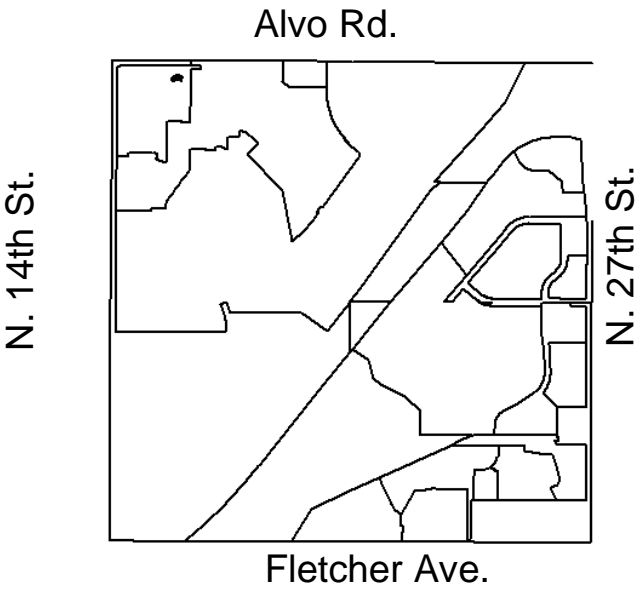
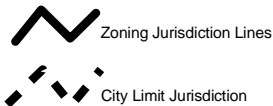
2002 aerial

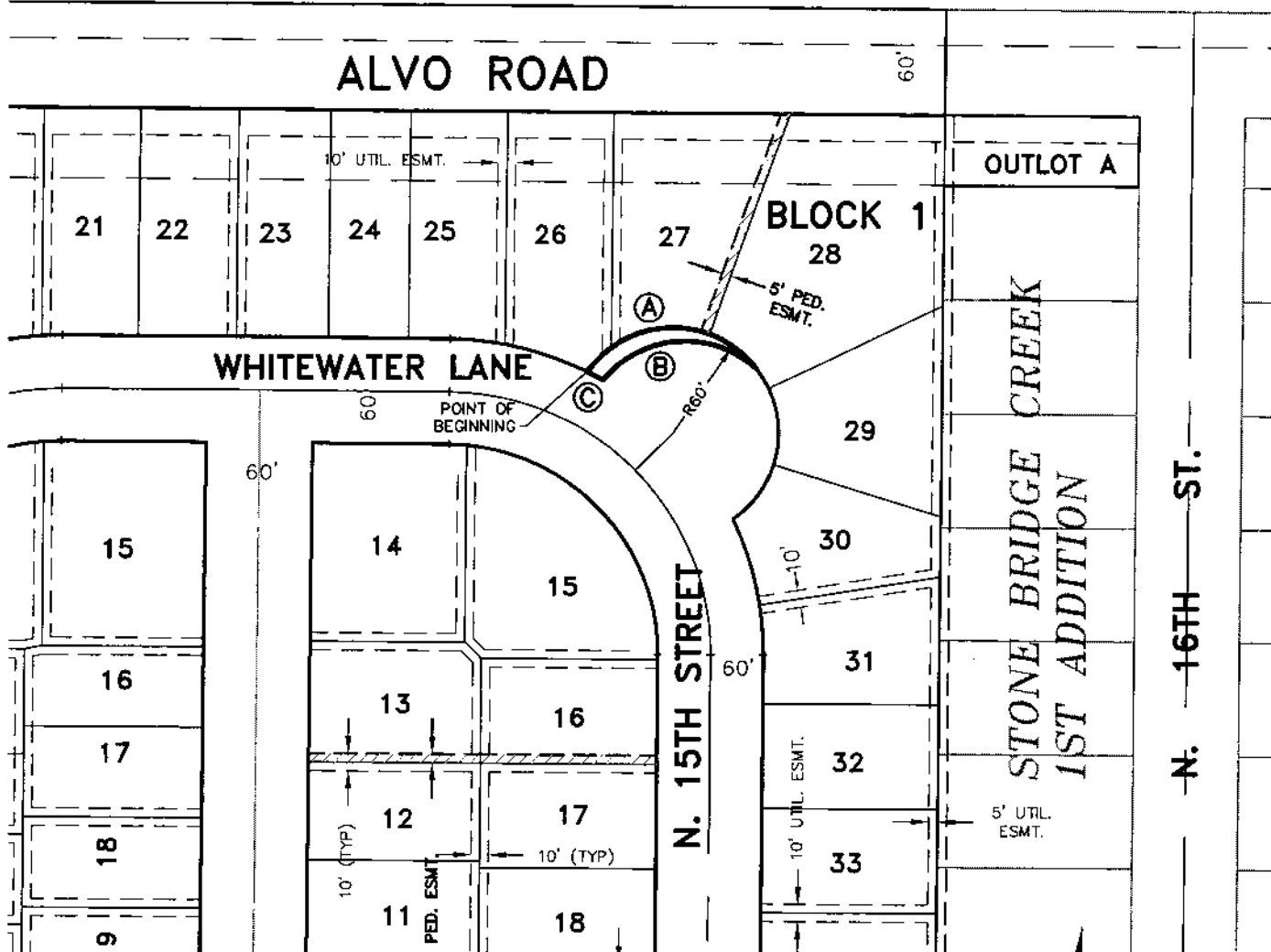
Street & Alley Vacation #03019 Whitewater Lane & N 15th St.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 36 T11N R6E

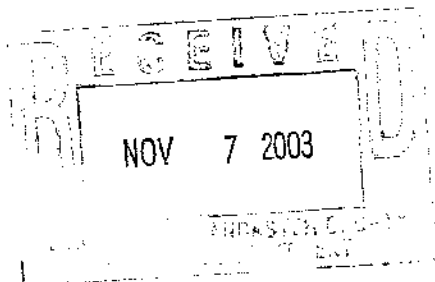




LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF PARCEL OF LAND LOCATED IN STONE BRIDGE CREEK 2ND ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 26, BLOCK 1 OF SAID ADDITION ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF WHITEWATER LANE ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF $106^{\circ}03'00''$, A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 111.06 FEET, A CHORD LENGTH OF 95.87 FEET AND A CHORD BEARING OF $N88^{\circ}51'59''E$ (ASSUMED); THENCE ALONG SAID RIGHT-OF-WAY LINE ON SAID CURVE, A DISTANCE OF 95.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF $93^{\circ}07'21''$, A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 97.52 FEET, A CHORD LENGTH OF 87.13 FEET AND A CHORD BEARING OF $S85^{\circ}37'51''W$; THENCE ON SAID CURVE, A DISTANCE OF 97.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF $03^{\circ}13'47''$, A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 10.15 FEET, A CHORD LENGTH OF 10.14 FEET AND A CHORD BEARING OF $N62^{\circ}08'16''W$; THENCE ON SAID CURVE, A DISTANCE OF 10.15 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 709 SQUARE FEET MORE OR LESS.



CURVE DATA

(A)	$\Delta = 106^{\circ}03'00''$ $R = 60.00'$ $L = 111.06'$ $LC = 95.87'$ $CB = N88^{\circ}51'59''E$	(B)	$\Delta = 93^{\circ}07'21''$ $R = 60.00'$ $L = 97.52'$ $LC = 87.13'$ $CB = S85^{\circ}37'51''W$	(C)	$\Delta = 03^{\circ}13'47''$ $R = 180.00'$ $L = 10.15'$ $LC = 10.15'$ $CB = N62^{\circ}08'16''W$
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